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COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE March 4, 2005 LOCAL EFFECTIVE DATE March 18, 2005 APPROX FINAL EFFECTIVE DATE April 8, 2005	CONTACT/PHONE Airlin M. Singewald, Project Planner 805-781-1380	APPLICANT Brian Harvey/ Ocean Project-1 LLC	FILE NO. DRC2004-00054
SUBJECT Request by Brian Harvey/ Ocean Project-1 LLC for a Minor Use/ Coastal Development Permit to allow grading for and construction of a new 2,993 square foot single-family residence and an 880 square foot attached garage. The project will result in the disturbance of approximately 5,000 square feet of a 20,000 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 2550 San Dominico Avenue in the community of Los Osos, approximately 200 feet south of Madera Street. The site is in the Estero planning area.			
RECOMMENDED ACTION 1. Consider and rely on the Negative Declaration (ED01-424) that was previously adopted on May 3, 2002 2. Approve Minor Use Permit DRC2004-00054 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration (ED01-424) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 074-483-028	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: ESTERO, SOUTH BAY AREA STANDARDS: RESIDENTIAL SINGLE FAMILY – Highland Area/ Cabrillo Estates: Architectural Control Committee, Limitation on Use, Minimum Floor Area, Driveway Construction, Setbacks, Height Limitation <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Appealable Development <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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EXISTING USES: Vacant lot	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family/ Residences South: Residential Single Family/ Residences	
East: Residential Single Family/Residences West: Residential /Vacant lots, residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Los Osos Community Services District, Public Works, State Parks, and the California Coastal Commission	
TOPOGRAPHY: Moderate slopes	VEGETATION: Morro manzanita, Coast live oak trees, grasses
PROPOSED SERVICES: Water supply: Southern California Water Company Sewage Disposal: Individual septic system Fire Protection: South Bay Fire/ CDF	ACCEPTANCE DATE: October 29, 2004

DISCUSSION

PROJECT HISTORY:

This project was previously reviewed under Minor Use Permit D990332P (approved on May 3, 2002). A new Minor Use Permit is required because the previous approval expired. To satisfy the requirements of the California Environmental Quality Act, this project relies on the Mitigated Negative Declaration (ED01-424) issued for the previous Minor Use Permit (see *Environmental Review*).

PLANNING AREA STANDARDS:

Residential Single Family, Highland Area – Cabrillo Estates Standards

Architectural Control Committee

This standard states that no building permit or grading permit shall be approved until the applicant has filed with the Planning Department certification that the Architectural Control Committee for Cabrillo Estates has reviewed and approved plans and specifications. *The project complies with this standard because, as conditioned, the applicant must attain approval from the Architectural Control Committee for Cabrillo Estates before a building permit is issued.*

Limitations of Use

This standards specifies that uses are limited to single family dwellings, residential accessory uses, temporary dwellings, home occupations, schools pre through secondary (limited to day care centers) and water wells and impoundments. *The project complies with this standard because the applicant is proposing a single-family dwelling and attached garage, both allowable uses.*

Minimum Floor Area

The minimum floor area for a single family dwelling, excluding garages, carports, porches, patios and basements, is 1200 square feet. *The project complies with this standard because*

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the applicant is proposing a 2,993 square foot single family home and 882 square foot attached garage.

Driveway Construction

Each parcel shall be equipped with a concrete driveway measuring at least 9 feet in width and at least 3-1/2 inches thick extending from a concrete approach apron, built in accordance with County Standard Improvement Specifications and Drawings, to the garage door. The driveway is to be in place prior to issuance of an occupancy permit for the residence. *The project is conditioned to comply with this standard.*

Setbacks

Required setbacks for single family residences are as follows: front – 25 feet; side – 5 feet; corner side – 10 feet; and rear – 20 feet. *The project meets these required setbacks.*

Height Limitations

The maximum height of all buildings and structures shall be 15 feet above the highest point of the lot when measured from the highest point of the roof. *The project meets this requirement.*

LAND USE ORDINANCE STANDARDS:

Section 23.01.043 – Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the project is proposed development between the ocean and first public road (Los Osos Valley Road). The project site is not within a mapped Environmentally Sensitive Habitat Area (ESHA), however the project site contains Morro manzanita. The vegetation on site, although not officially mapped as an Environmentally Sensitive Habitat Area, may qualify as an ESHA under the LCP.

COASTAL PLAN POLICIES:

Shoreline Access: Policy No(s): 2
Recreation and Visitor Serving: N/A
Energy and Industrial Development: N/A
Commercial Fishing, Recreational Boating and Port Facilities: N/A
Environmentally Sensitive Habitats: Policy No(s): 1, 2, 3, 28, and 33
Agriculture: N/A
Public Works: Policy No(s): 1
Coastal Watersheds: Policy No(s): 7, and 8
Visual and Scenic Resources: N/A
Hazards: N/A
Archeology: N/A
Air Quality: N/A

COASTAL PLAN POLICY DISCUSSION:

Shoreline Access:

Policy 2: New Development: This policy requires that new development provide public access to the beach. The proposed project is consistent with this policy because public access to the beach already exists within the vicinity of the project.

Environmentally Sensitive Habitat:

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized. Coast live oak trees removed for the project will be replaced on a four-to-one basis. The applicant has agreed to place 10,000 square feet of the site into an Open Space Agreement for long term Morro manzanita protection.

Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.

Policy 3: Habitat Restoration: The proposed project is consistent with this policy because if removed, Coast live oak trees will be replaced on a four-to-one basis.

Policy 28: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized, and the applicant has agreed to place 10,000 square feet of the site into an Open Space Agreement for long term Morro manzanita protection.

Policy 33: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design.

Public Works:

Policy 1: Availability of Service Capacity: The project complies with this policy because the applicant has attained a will serve letter from Southern California Water Company.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on slopes less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

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COMMUNITY ADVISORY GROUP COMMENTS:

The project was referred to the Los Osos Community Advisory Council (LOCAC) on September 22, 2004. In a response dated October 28, 2004 LOCAC stated that the project is consistent with the character of the surrounding developments. LOCAC stated no concerns with the project.

AGENCY REVIEW:

Public Works – Recommend approval
CDF – No response
Los Osos Community Services District – No response
Coastal Commission – No response
State Parks – No response

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Airlin M. Singewald and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed residence is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on San Dominico a local road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes grading for and construction of a new 2,993 square foot single-family residence and an 880 square foot attached garage.
2. Site development shall be consistent with the approved site plan, elevations, section and floor plans.

Height and Verification

3. Prior to setting foundation forms (and foundation inspection) the applicant's contractor shall call for a "building height point of measure verification" by setting a height point of measure stake and requesting a field verification by a county building inspector. The maximum height of all buildings and structures shall not exceed 15 feet above the highest point of the lot when measured from the highest point of the roof.

Driveway

4. **Prior to issuance of occupancy permit** a minimum 9-foot wide, 3 and ½ inch thick concrete driveway approach apron shall be constructed as required by Planning Area Standard number 16.

Grading, Drainage, Sedimentation and Erosion Control

5. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
6. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department.
7. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
8. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
9. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.

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10. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
11. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

Tree Protection/Replacement

In an effort to protect individual oak and pine trees, the mixed forest habitat, and the species that depend upon that habitat, the following measures shall be implemented:

12. The applicant shall limit tree removal to no more than 1 Coast live oak tree with an eight inch diameter or larger at four feet from the ground. Construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed.
13. **Prior to final inspection**, the **one (1)** Coast live oak tree removed as a result of construction shall be replaced at a 4:1 ratio. A total of **4** Coast live oak trees shall be planted.
14. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.
15. These newly planted trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer, rodents), periodic weeding and adequate watering (e.g., drip-irrigation). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. Once the replacement trees have been planted, the applicant shall retain a qualified individual to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.
16. All trees bordering the proposed project that are to remain shall be marked for protection (e.g., with flagging) and their root zone fenced **prior to any grading**. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.

Fire Safety

17. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by South Bay Fire.

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18. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from South Bay Fire of all required fire/life safety measures.

Public Works

19. Prior to issuance of a building permit, the applicant shall meet all requirements of the County Public Works Department.

Biological Resources

20. The site will contain an open space easement of approximately 10,000 square feet along the southern border of the parcel (as shown in exhibit A). The open space easement is intended to protect resources as follows:
- A. The intent of this easement is protection of Morro manzanita plants as identified in two botanical reports (Levine Fricke; 8/25/00 and 7/31/01).
 - B. The easement shall be recorded, in a form acceptable to County Counsel, prior to issuance of the building permit on the future residence located at this site (2550 San Dominico).
 - C. The easement shall be fenced-off from all other uses along the northeast property line (the side adjacent to the building envelope), and shall remain in perpetuity for the subject parcel. Fencing shall be at least 4-foot high split rail to keep habitat degrading activities out of the open space area (e.g., humans and animals). The fencing shall be installed prior to final inspection of the future residence.
 - D. The easement shall have signage posted that designates the area as a sensitive resource preserve with at least one sign visible from San Dominico Avenue.
21. All native vegetation (Morro manzanita and pygmy oaks) removal shall be limited to the building envelope, unless otherwise required for fire safety purposes.
22. Prior to issuance of a building permit, the applicant shall submit for approval a landscape plan. The landscape plan shall utilize only plant material consistent with Section 23.04.184 of the San Luis Obispo County Land Use Ordinance (native plants).

Miscellaneous

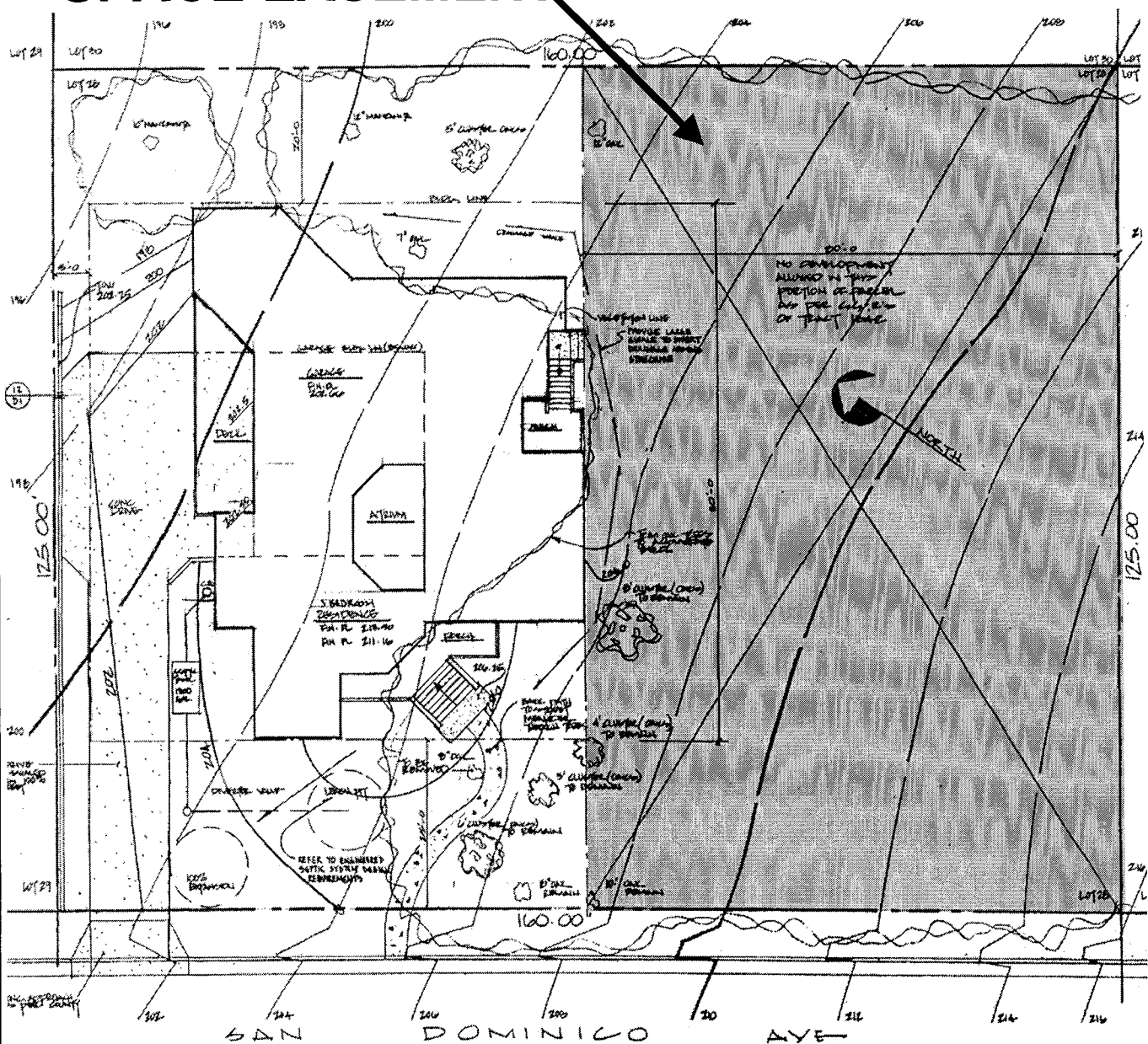
23. **Prior to issuance of construction permits**, the applicant shall pay all applicable school and public facilities fees.

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24. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
25. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

AREA TO BE PLACED IN AN OPEN SPACE EASEMENT,



SITE, GRADING & DRAINAGE PLAN

PROJECT

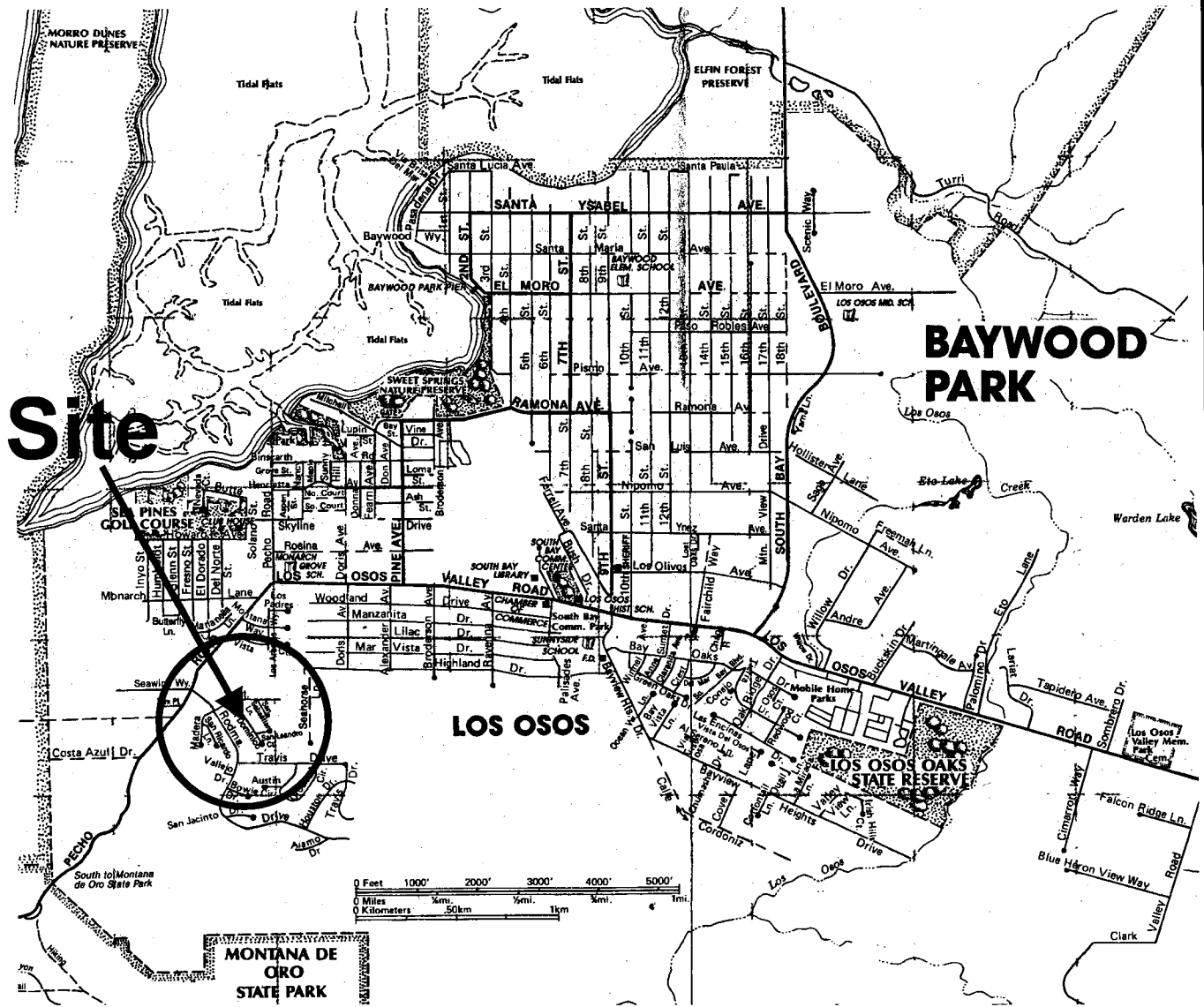
Minor Use Permit
Harvey/ DRC2004-00054

**EXHIBIT**

Exhibit A – Open Space Easement

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Minor Use Permit
Harvey/ DRC2004-00054

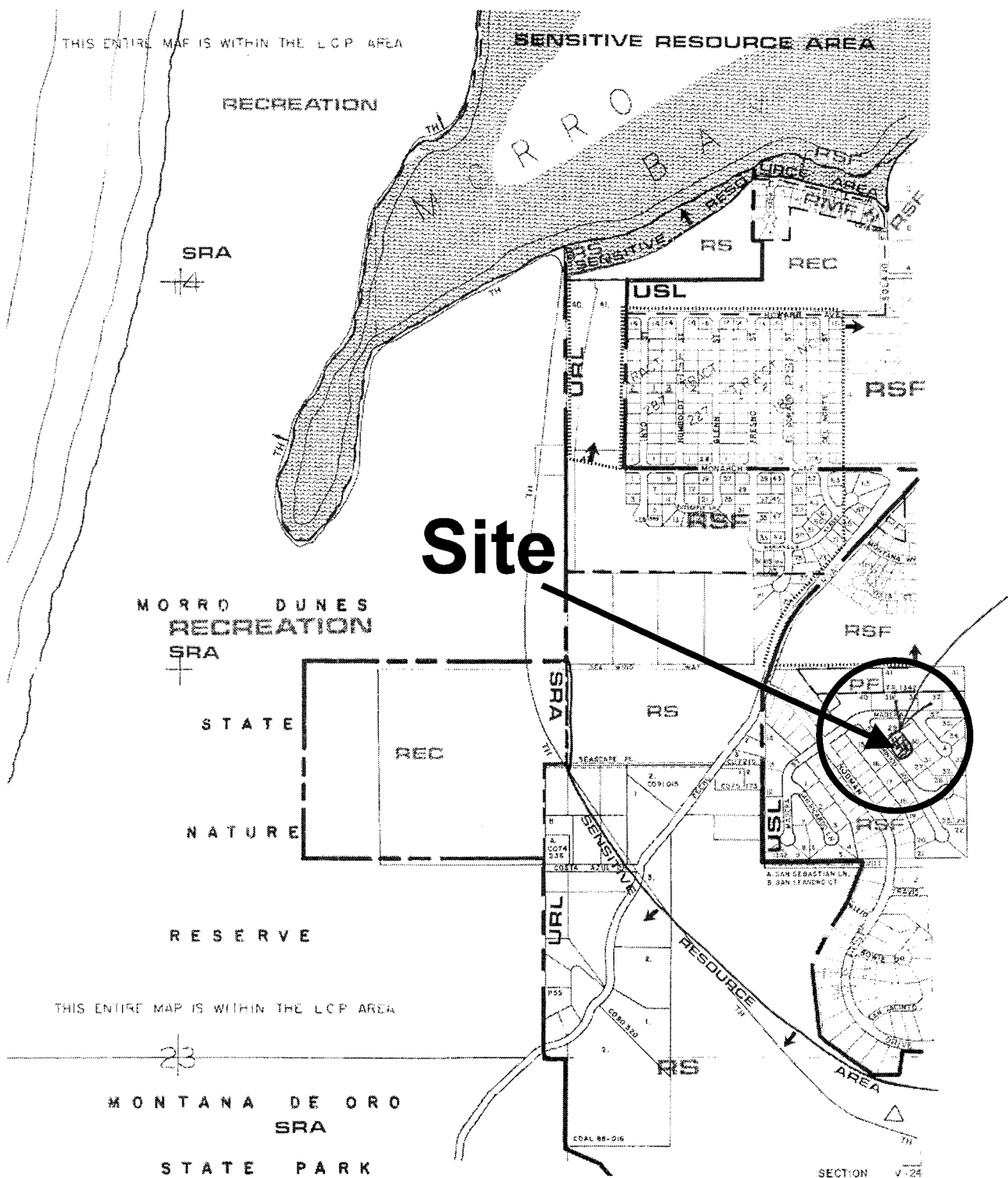


EXHIBIT

Vicinity Map

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Minor Use Permit
Harvey/ DRC2004-00054



EXHIBIT

Land Use Category Map

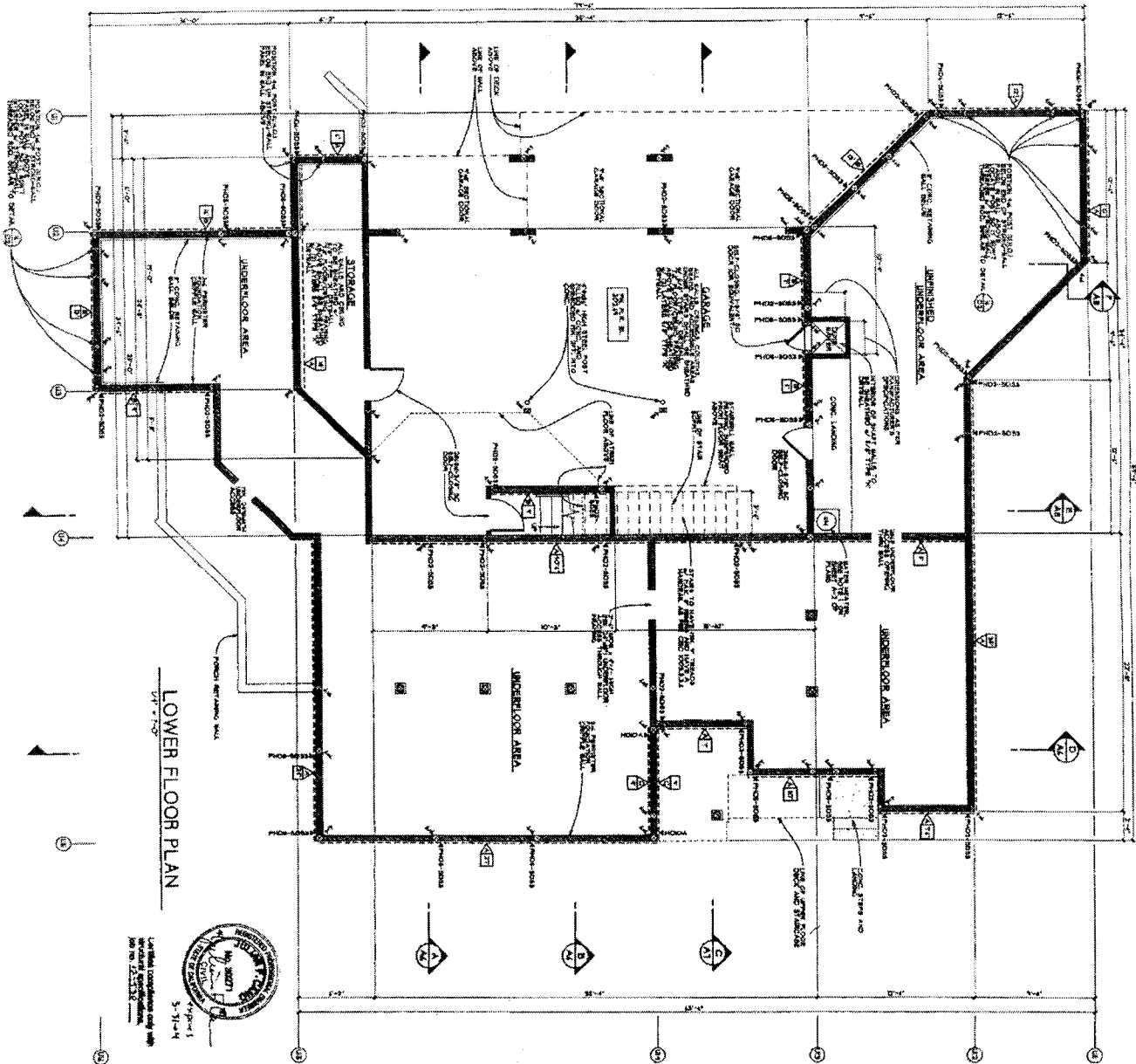
SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



EXHIBIT

Site Plan

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

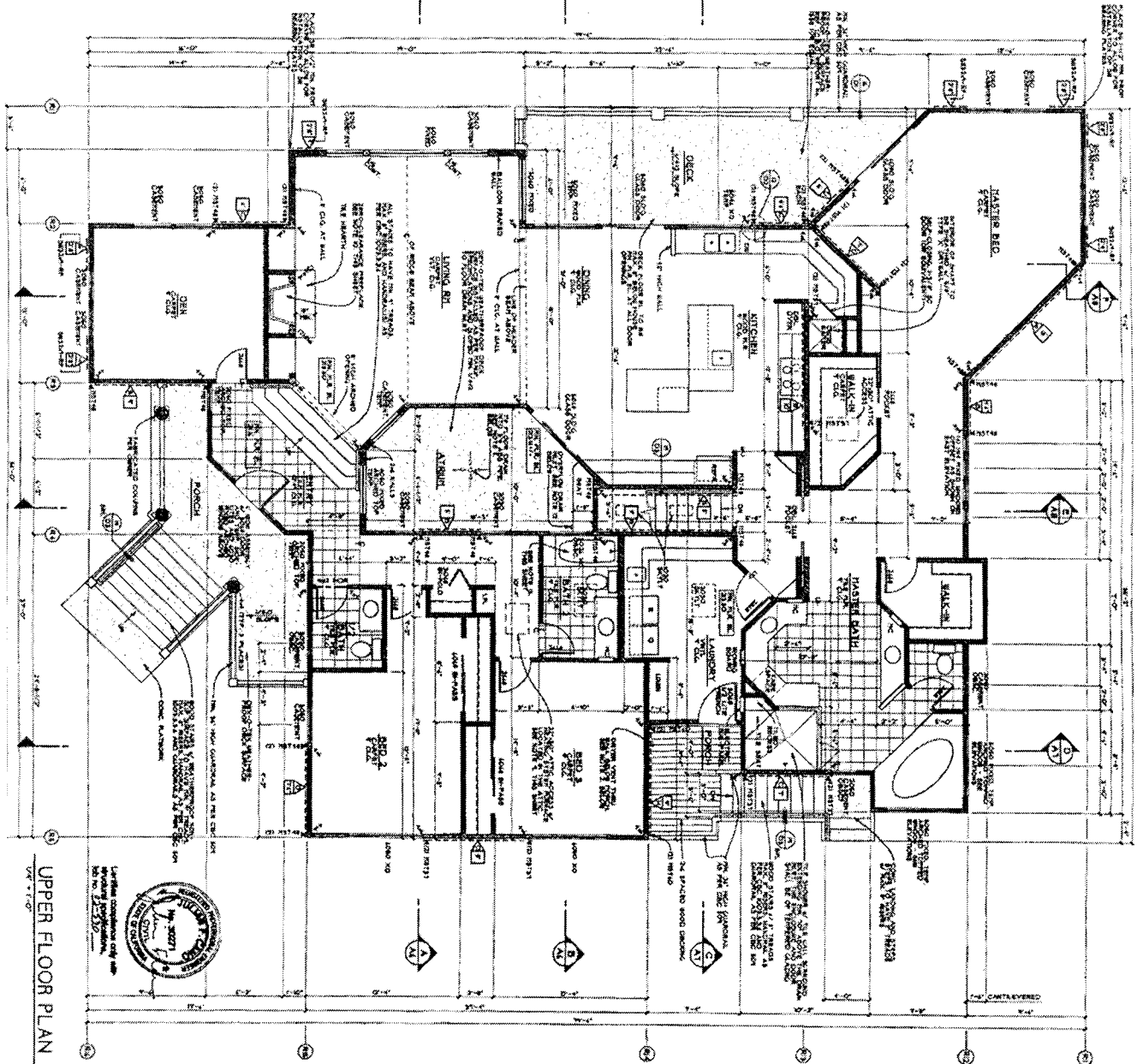
Minor Use Permit
Harvey/ DRC2004-00054



EXHIBIT

Lower Floor Plan

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UPPER FLOOR PLAN

PROJECT

Minor Use Permit
Harvey/ DRC2004-00054

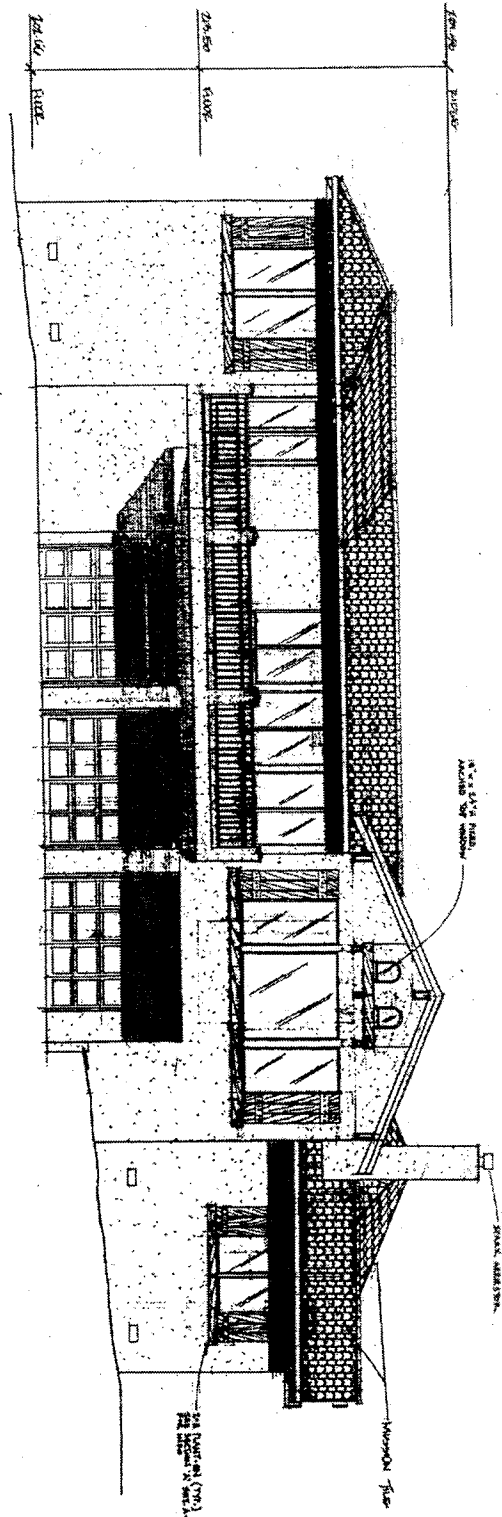


EXHIBIT

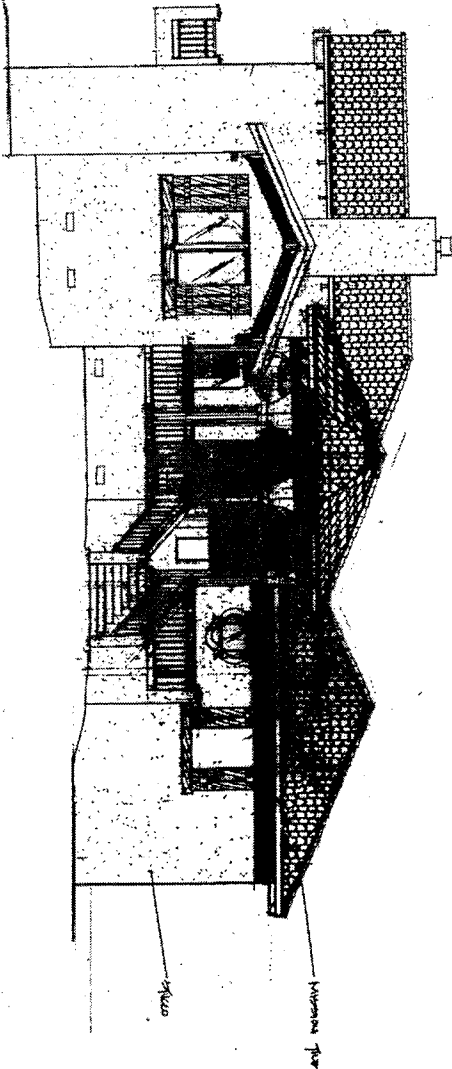
Upper Floor Plan

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



NORTH ELEVATION



WEST ELEVATION (San Francisco)

PROJECT

Minor Use Permit
Harvey/ DRC2004-00054



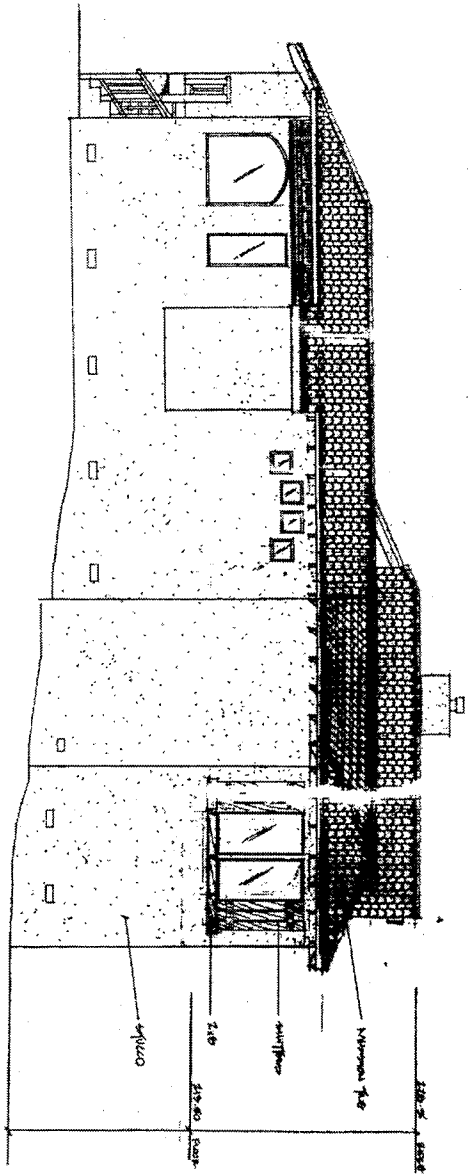
EXHIBIT

North and West Elevations

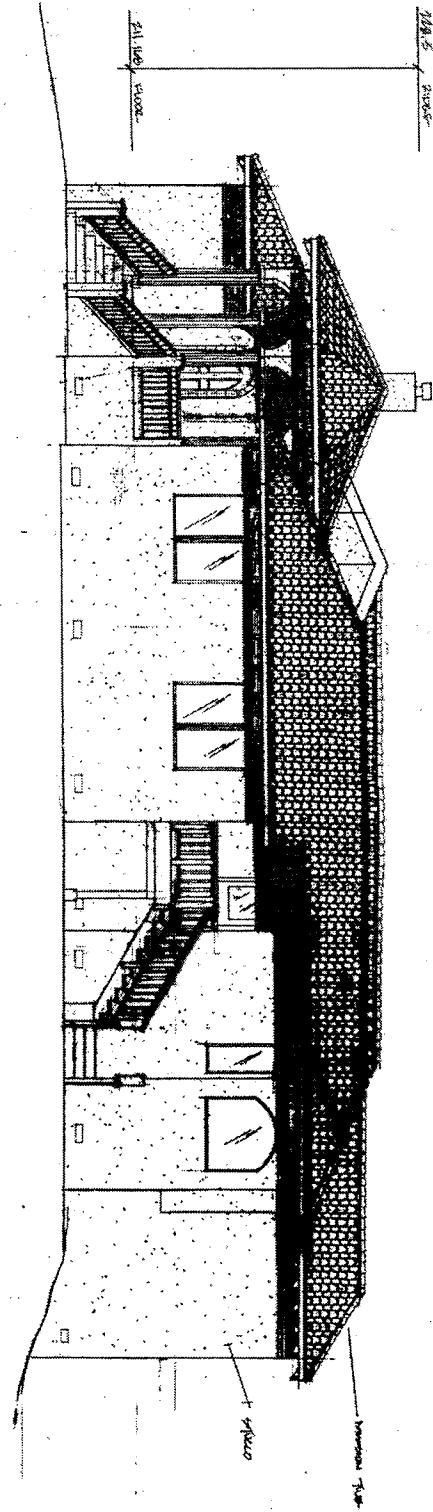
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

EAST ELEVATION



SOUTH ELEVATION



PROJECT

Minor Use Permit
Harvey/ DRC2004-00054



EXHIBIT

South and East Elevations



COUNTY OF SAN LUIS OBISPO

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (AS)

ENVIRONMENTAL DETERMINATION NO. ED04-239

DATE: December 16, 2004

PROJECT/ENTITLEMENT: Ocean Project One Minor Use Permit/ Coastal Development Permit; DRC2004-00054.

This project is for a new minor use permit (DRC2004-00054) for a project that previously received a minor use permit (D99332P), which expired. Although this project has a new permit number, it is virtually the same as the previous project. This project will not result in any potential environmental impacts, which were not considered in the previous environmental review. The mitigation measures applied in the previous mitigated negative declaration (ED01-424) adequately address the environmental impacts associated with this project, and will be applied to this project.

APPLICANT NAME: Brian Harvey

ADDRESS: P.O. Box 2227, Atascadero, CA 93423

CONTACT PERSON: Brian Harvey

Telephone: 805-440-5931

PROPOSED USES/INTENT: A request to allow for the establishment of an approximate 3,783 square foot single family residence, which will result in disturbance of approximately 5,000 square feet of a 20,000 square foot parcel..

LOCATION: The project is located at 2550 San Dominico Avenue, approximately 155 feet southeast of Madera, in the community of Los Osos, in the Estero planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Coastal Commission

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on December 30, 2004

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ Lead Agency
☐ Responsible Agency approved/denied the above described project on _____, and has made
the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Title

Date

Public Agency

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California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

PROJECT TITLE & NUMBER: Ocean Project One Minor Use Permit; ED04-239, DRC2004-00054

Project Applicant

Brian Harvey

Address:

P.O. Box 2227

City, State, Zip Code:

Atascadero, CA 93423

Telephone #:

805-440-5931

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- ☐ The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ☐ The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- ☒ The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ☐ The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____.
- ☐ Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

(FOR) *Ellen Carroll*
Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: 12/3/2004

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COUNTY OF SAN LUIS OBISPO

INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. SEGUR MINOR USE PERMIT; ED 01- 424(D990332P)

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project. Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

Initial Study Reference and Agency Contacts: The following reference materials are used in the environmental review for each project and are hereby incorporated by reference into the Initial Study.

- | | |
|---|---|
| • Project File for the Subject Application | • Archaeological Resources Map |
| • County General Plan (Inland & Coastal, including all maps & elements) | • Natural Resources Conservation Service Soil Survey for San Luis Obispo County |
| • County Land Use Ordinance | • Flood Hazard Maps |
| • Area of Critical Concerns Map | • Airport Land Use Plans |
| • Fire Hazard Severity Map | • Other special studies, reports and existing EIRs as appropriate |
| • Natural Species Diversity Database | |
| • Areas of Special Biological Importance Map | |

In addition to the above, the County Planning or Environmental Division have contacted responsible and trustee agencies for their comments on the proposed project. With respect to the subject application, the following agencies have been contacted (marked with an "X") or have responded (marked with "XX"):

- | | |
|---|--|
| <u>XX</u> County Engineering Department | <u>X</u> CA Department of Fish and Game |
| <u> </u> County Environmental Health Division | <u> </u> CA Department of Forestry |
| <u> </u> County Planning Division | <u> </u> CA Department of Transportation |
| <u> </u> County Agricultural Commissioner's Office | <u> </u> Regional Water Quality Control Board |
| <u> </u> County Airport Manager | <u>X</u> CA Coastal Commission |
| <u> </u> Airport Land Use Commission | <u>XX</u> Los Osos Community Services District |
| <u> </u> Air Pollution Control District | <u>XX</u> Los Osos Community Advisory Council |
| <u> </u> County Sheriff's Department | <u>X</u> South Bay Fire |

Checklist Identification of Mitigations for Potential Impacts: The checklist provides the identification and summary of the project's potential environmental impacts. Where potential impacts require mitigation, the following list of mitigations explains how the identified potential environmental impacts can and will be avoided or substantially lessened:

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- A. The project has been changed to avoid or substantially lessen environmental impacts. Where changes require explanation, the change(s) will be discussed in the Special Environmental Considerations section or attached material following the checklist.
- B. The project is subject to standards and requirements of the Land Use Element/Land Use Ordinance and/or other County ordinances that include provisions to avoid or substantially lessen environmental impacts. These provisions are requirements that must be incorporated into the project.
- C. The project is subject to state and/or federal regulations, laws and/or requirements that include provisions to avoid or substantially lessen environmental impacts. The project must incorporate the above provisions in order to be in compliance with Federal or State law.
- D. A special mitigation plan to avoid or lessen environmental impacts has been agreed to by the applicant. This will be noted on the checklist and, if necessary, discussed in an attachment to the checklist.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

Not Applicable
Insignificant Impact
Impact Can & Will be Mitigated
Potentially Significant Impact

I. BIOLOGICAL RESOURCES

- A. Wildlife () () (X) ()
- * B. Vegetation () (X) () ()
- * C. Habitat Area () (X) () ()
- * D. Rare and/or Endangered Species () (X) () ()
- E. Unique or Fragile Biotic Community () () (X) ()
- * F. State Area of Special Biological Importance () (X) () ()
- G. Riparian/Wetland Area () () (X) ()
- H. Other: _____ () () () ()
- * Mitigation: A ___ B ___ C ___ D X
- * () See attached exhibits: (X) Developer's Statement; () Agency Response _____
- () Revised Plans; () Designated Bldg Sites
- * (X) See Special Environmental Considerations
- * (X) See Document in file: Levine Fricke Botanical Survey 8/25/00 & 7/31/00;
- U.S Fish and Wildlife letter of concurrence Morro shoulderband Snail survey

II. DRAINAGE, EROSION AND SEDIMENTATION

- * A. Increased Storm Water Runoff () (X) () ()
- * B. Erodible Soils/Erosion () (X) () ()
- C. Poorly Drained Soils () () (X) ()
- * D. Sedimentation () (X) () ()
- E. Contributes to Existing Drainage Problem () () (X) ()
- F. Alters Existing Drainage Course or Waterway () () (X) ()
- G. Other: _____ () () () ()
- * Mitigation: A ___ B X [see LUO sec.22.05.032(CZLUO 23.05.032); C ___ D ___
22.05.034(CZLUO 23.05.034)]
- () See attached exhibit(s): () Developer's Statement; () Agency Response _____
- () Sedimentation & Erosion Control/Drainage Plan
- * (X) See Special Environmental Considerations () See Document in file _____

Not Applicable
 Insignificant Impact
 Impact Can & Will be Mitigated
 Potentially Significant Impact

III. GEOLOGICAL HAZARDS/SITE ALTERATION

- | | | |
|----|--|-----------------|
| A. | Landslide Hazard | () () (X) () |
| B. | Seismic Hazard | () () (X) () |
| C. | Topographic Alteration; Grading for
Building <u>X</u> , Driveways <u>X</u> , Roads __, Other __ | () () (X) () |
| D. | Soil Expansion | () () (X) () |
| E. | Steep Slopes | () () (X) () |
| F. | Other: _____ | () () () () |

Mitigation: A __ B __ C __ D __

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____
 () Sed./Erosion Control Plan; () Revised Plans; () Designated Bldg Sites
 () See Special Environmental Considerations
 () See Document in file _____

IV. WATER RESOURCES

- | | | |
|----|---------------------------------|-----------------|
| A. | Groundwater Quantity | () () (X) () |
| B. | Groundwater Quality | () () (X) () |
| C. | Surface Water Quantity | () () (X) () |
| D. | Surface Water Quality | () () (X) () |
| E. | Stream Flow Change | () () () (X) |
| F. | Change to Estuarine Environment | () () () (X) |
| G. | Other: _____ | () () () () |

Mitigation: A __ B __ C __ D __

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____
 () Hydrology Report
 () See Special Environmental Considerations
 () See Document in file _____

V. POLLUTION

- | | | |
|----|---|-----------------|
| A. | Hazardous Materials | () () (X) () |
| B. | Groundwater Pollution | () () (X) () |
| C. | Surface Water Pollution | () () (X) () |
| D. | Increase in Existing Noise Levels | () () (X) () |
| E. | Exposure of People to Severe Noise Levels | () () () (X) |
| F. | Substantial Air Emissions | () () () (X) |
| G. | Deterioration of Ambient Air Quality | () () (X) () |
| H. | Creation of Objectionable Odors | () () (X) () |
| I. | Other: _____ | () () () () |

Mitigation: A __ B __ C __ D __

- () See attached exhibit(s): () Developer's Statement; () Agency Response _____
 () Hydrology/Noise Study
 () See Special Environmental Considerations () See Document in file _____

3-24

Not Applicable
Insignificant Impact
Impact Can & Will be Mitigated
Potentially Significant Impact

VI. TRAFFIC

- | | |
|--|-----------------|
| A. Increase in Vehicle Trips | () () (X) () |
| B. Reduced Levels of Service on Existing Public Roadways | () () (X) () |
| C. Limited or Unsafe Access | () () (X) () |
| D. Creates Unsafe Conditions on Public Roadways | () () (X) () |
| E. Areawide Traffic Circulation | () () (X) () |
| F. Internal Traffic Circulation | () () (X) () |
| G. Other: _____ | () () (X) () |

Mitigation: A ___ B ___ [see Co. Code Title 13.01.010-.060; _____ Circulation Fee]; C ___ D ___
() See attached exhibit(s): () Developer's Statement; () Agency Response _____
() Traffic Study
() See Special Environmental Considerations
() See Document in file _____

VII. PUBLIC SERVICES

- | | |
|-----------------------------|-----------------|
| A. Fire Protection Services | () () (X) () |
| B. Police/Sheriff Services | () () (X) () |
| C. Schools | () () (X) () |
| D. Community Wastewater | () () () (X) |
| E. Community Water Supply | () () () (X) |
| F. Solid Waste Disposal | () () (X) () |
| G. Onsite Wastewater | () () (X) () |
| H. Onsite Water | () () () (X) |
| I. Other: _____ | () () () () |

Mitigation: A ___ B ___ (School Fee, Countywide Fee) C ___ D ___
() See attached exhibit(s): () Developer's Statement; () Agency Response _____
() See Special Environmental Considerations
() See Document in file _____

VIII. AESTHETIC/CULTURAL RESOURCES

- | | |
|--------------------------------------|-----------------|
| A. Visual Impact from Public Roadway | () () (X) () |
| B. Increased Light or Glare | () () (X) () |
| C. Alters Important Scenic Vista | () () (X) () |
| D. Archaeological Resources | () () (X) () |
| E. Historic Resources | () () (X) () |
| F. Other: _____ | () () () () |

Mitigation: A ___ B ___ C ___ D ___
() See attached exhibit(s): () Developer's Statement; () Agency Response _____
() Visual Analysis; () Revised Plans; () Landscape Plan; () Designated Bldg Sites
() Document in file _____

Not Applicable
 Insignificant Impact
 Impact Can & Will be Mitigated
 Potentially Significant Impact

IX. HOUSING AND ENERGY

- A. Creates Substantial Demand for Housing ☐ ☐ ☒ ☐
- B. Uses Substantial Amount of Fuel or Energy ☐ ☐ ☒ ☐
- C. Encourages Growth Beyond Resource Capacities ☐ ☐ ☒ ☐
- D. Other: _____ ☐ ☐ ☐ ☐

Mitigation: A ___ B ___ C ___ D ___

- ☐ See attached exhibit(s): ☐ Developer's Statement; ☐ Agency Response _____
- ☐ See Special Environmental Considerations
- ☐ See Document in file _____

X. AGRICULTURAL/MINERAL RESOURCES

- A. Eliminates Valuable Mineral Resources ☐ ☐ ☐ ☒
- B. Prime Agricultural Soils ☐ ☐ ☒ ☐
- C. Conflicts with Existing Agricultural Area ☐ ☐ ☒ ☐
- D. Change from Agriculture to Other Uses ☐ ☐ ☒ ☐
- E. Other: _____ ☐ ☐ ☐ ☐

Mitigation: A ___ B ___ C ___ D ___

- ☐ See attached exhibit(s): ☐ Developer's Statement; ☐ Agency Response _____
- ☐ See Special Environmental Considerations
- ☐ See Document in file _____

XI. GROWTH INDUCING/CUMULATIVE EFFECTS

- A. Growth Inducing Effects ☐ ☐ ☒ ☐
- B. Precedent for Change in Area Land Use ☐ ☐ ☒ ☐
- * C. Cumulative Effects: Fire Protection Services ☐ ☒ ☐ ☐
- Police / Sheriff Services ☐ ☒ ☐ ☐
- Schools ☐ ☒ ☐ ☐
- D. Other: _____ ☐ ☐ ☐ ☐

* Mitigation: A ___ B ☒ (School Fee, Countywide Fee) C ___ D ___

- ☐ See attached exhibit(s): ☐ Developer's Statement; ☐ Agency Response _____
- * ☒ See Special Environmental Considerations
- ☐ See Document in file _____

INITIAL STUDY PREPARATION

Prepared by: Name Kerry O'Neill Signature Kerry O'Neill Date 2/5/02

Reviewed by: Name Steven McMaster Signature Steven McMaster Date 3/5/02

G:\CURRENT\GEO TEAMS\Coastal Team\O'Neill\MUPs\Los Osos\PRATT_SEGURnd_checklist.wpd

**SPECIAL ENVIRONMENTAL CONSIDERATIONS FOR
SEGUR MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT
(D990332P/ED01-424)**

PROJECT DESCRIPTION

The applicant has applied for a Minor Use/Coastal Development Permit to allow an approximate 2,993 square foot single family residence with an attached 750 square foot garage on a 20,000 square foot parcel is located on San Dominico in the Highland Area in the neighborhood of Cabrillo Estates (Tract 1342) located in the community of Los Osos.

ENVIRONMENTAL ISSUES OF CONCERN

During the initial study, the following issues were identified as having potentially significant environmental impacts: **Biological Resources; Drainage, Erosion and Sedimentation; Fire Protection Services and Cumulative Effects**

Biological Resources

Levine Fricke prepared two botanical reports August 25, 2000 and July 31, 2001 for the site (APN: 074-483-028). These reports identified the presence of Morro manzanita (*Arctostaphylos morroensis*), a threatened species listed under the Federal Endangered Species Act and coast live oak trees among other vegetation.

Tract 1342's Environmental Impact Report (certified August 1985) identified Morro manzanita and Pygmy oaks as vegetation of special significance. To reduce the impacts to Morro manzanita plants and pygmy oaks, four mitigation measures were required. The first mitigation measure identified building envelopes to avoid healthy pygmy oaks and Morro manzanita plants. The second mitigation measure required dedication of easements (through CC&R's) to preserve approximately a total of 90,000 square feet of Morro manzanita and pygmy oaks on twenty-two properties throughout the Tract. The third mitigation measure required the dedication of four acres of Tract 308 Unit II located south of the Cabrillo Estates neighborhood. The final mitigation measure required the applicant to participate in the Pygmy Oak Regeneration Program. It was determined through certification of the EIR and approval of the Tract that these mitigation measures adequately mitigate impacts to Morro manzanita plants and Pygmy oaks associated with development of the Tract.

The implementation of this project causes the direct loss of 6 individual Morro manzanita plants and a dense stand of 55 individual Morro manzanita plants, for a total of 61 Morro manzanita plants. The four measures listed above mitigate for the loss of these Morro manzanita plants. In addition, the applicant has agreed to place 10,000 square feet in the area where no development is allowed (by CC&R's) into an Open Space Agreement for long term Morro

manzanita habitat protection.

The subject site is also in the range of the Morro shoulderband snail, a federally listed species. A habitat assessment and survey report was prepared by the Morro Group (June 6, 2000) for the Morro shoulderband snail. Five protocol surveys were performed on the site, no Morro shoulderband snails or snail shells were found on site. Concurrence on the results of the snail survey from U.S. Fish and Wildlife Service was granted on January 30, 2001.

Drainage, Erosion and Sedimentation

The Coastal Zone Land Use Ordinance (CZLUO) sections 23.05.036 (Erosion and Sedimentation) and 23.05.040 (Drainage) detail standards and requirements to control sedimentation, erosion and drainage. The project is subject to these requirements and impacts will be mitigated.

Fire Protection Services

Although it is necessary to mitigate for the loss of Morro manzanita, this vegetation poses a potential fire safety impact due to its proximity to the proposed residence. Removal of dead plant materials from the under story and limited trimming adjacent to the garage will mitigate this potential impact. Additional review at the building permit stage by South Bay Fire Department will also ensure that fire safety construction standards such as fire rated walls and/or residential sprinklers as well as specific vegetation modification measures are implemented as part of the project.

Cumulative Effects

Traffic

During the construction phase of the project, temporary increases in traffic are expected in the project area but will not be significant. The project together with numerous other projects in the area will have a cumulative impact to area roadways. The South Bay Road Improvement Fee program was set up to address these cumulative impacts. The project is subject to this fee program and cumulative impacts will be mitigated.

Public Services

The project together with numerous other projects in the area will have a cumulative impact to area fire protection, schools, and police services. School fee and countywide fee programs were set up to address these cumulative impacts. The project is subject to these fee programs and cumulative impacts will be mitigated.

Based on the evidence in the record, the analysis of the impacts, and the mitigation measures incorporated into the project description, the project qualifies for a proposed Mitigated Negative Declaration.

3-28

DATE: DECEMBER 3, 2004

**DEVELOPER'S STATEMENT FOR
OCEAN PROJECT ONE MINOR USE PERMIT; ED04-239 (DRC2004-00054)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

BIOLOGICAL RESOURCES

- 1 The site will have contain an open space easement of approximately 10,000 square feet along the southern border of the parcel (as shown in exhibit A). The open space easement is intended to protect resources as follows:
 - A. The intent of this easement is protection of Morro Manzanita plants as identified in two botanical reports (Levine Fricke; 8/25/00 and 7/31/01).
 - B. The easement shall be recorded, in a form acceptable to County Council, prior to issuance of the building permit on the future residence located at this site (2550 San Dominico).
 - C. The easement shall be fenced-off from all other uses along the northeast property line (the side adjacent to the building envelope), and shall remain in perpetuity for the subject parcel. Fencing shall be at least 4 foot high split rail to keep habitat degrading activities out of the open space area (e.g., humans and animals). The fencing shall be installed prior to final inspection of the future residence.
 - D. The easement shall have signage posted that designates the area as a sensitive resource preserve with at least one sign visible from San Dominico Avenue.

Monitoring:

Compliance will be verified by the Department of planning and Building in cooperation with the Environmental Review Section.

2. All native vegetation (Morro manzanita and pygmy oaks) removal shall be limited to the building envelope, unless otherwise required for fire safety purposes.

Monitoring: Compliance will be verified by the Department of planning and Building in cooperation with the Environmental Review Section.

3. Prior to issuance of a building permit, the applicant shall submit for approval a landscape plan. The landscape plan shall utilize only plant material consistent with Section 23.04.184 of the San Luis Obispo County Land use Ordinance (native plants).

Monitoring: Compliance will be verified by the Department of planning and Building in cooperation with the Environmental Review Section.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Mary Kay Harvey 12/03/04
Signature of Owner(s) Date

Brian Harvey
Name (Print) Mary Kay Harvey

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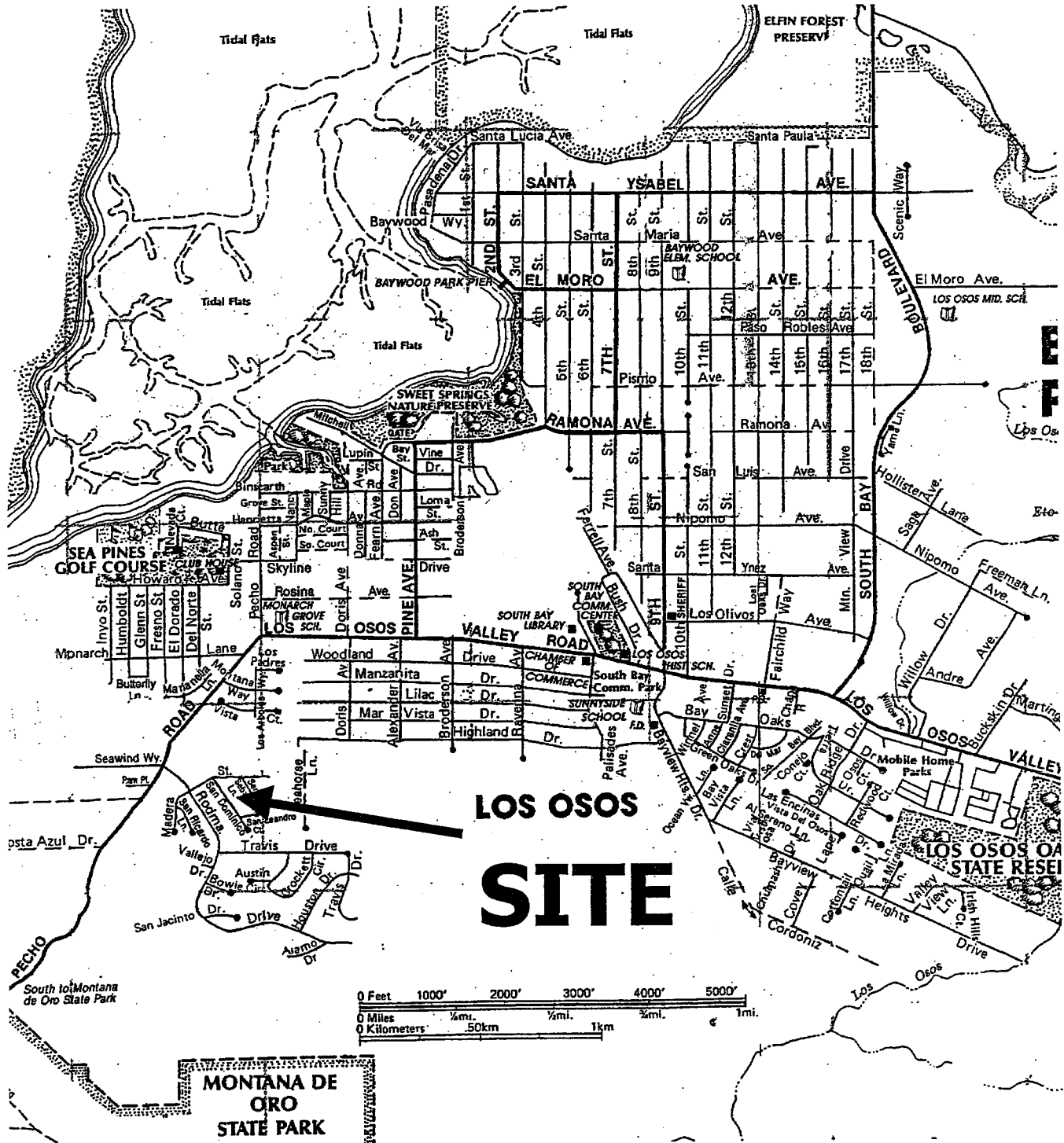


Minor Use Permit
PRATT/SEGUR (D990332P)



Exhibit A
Open Space Easement

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PROJECT

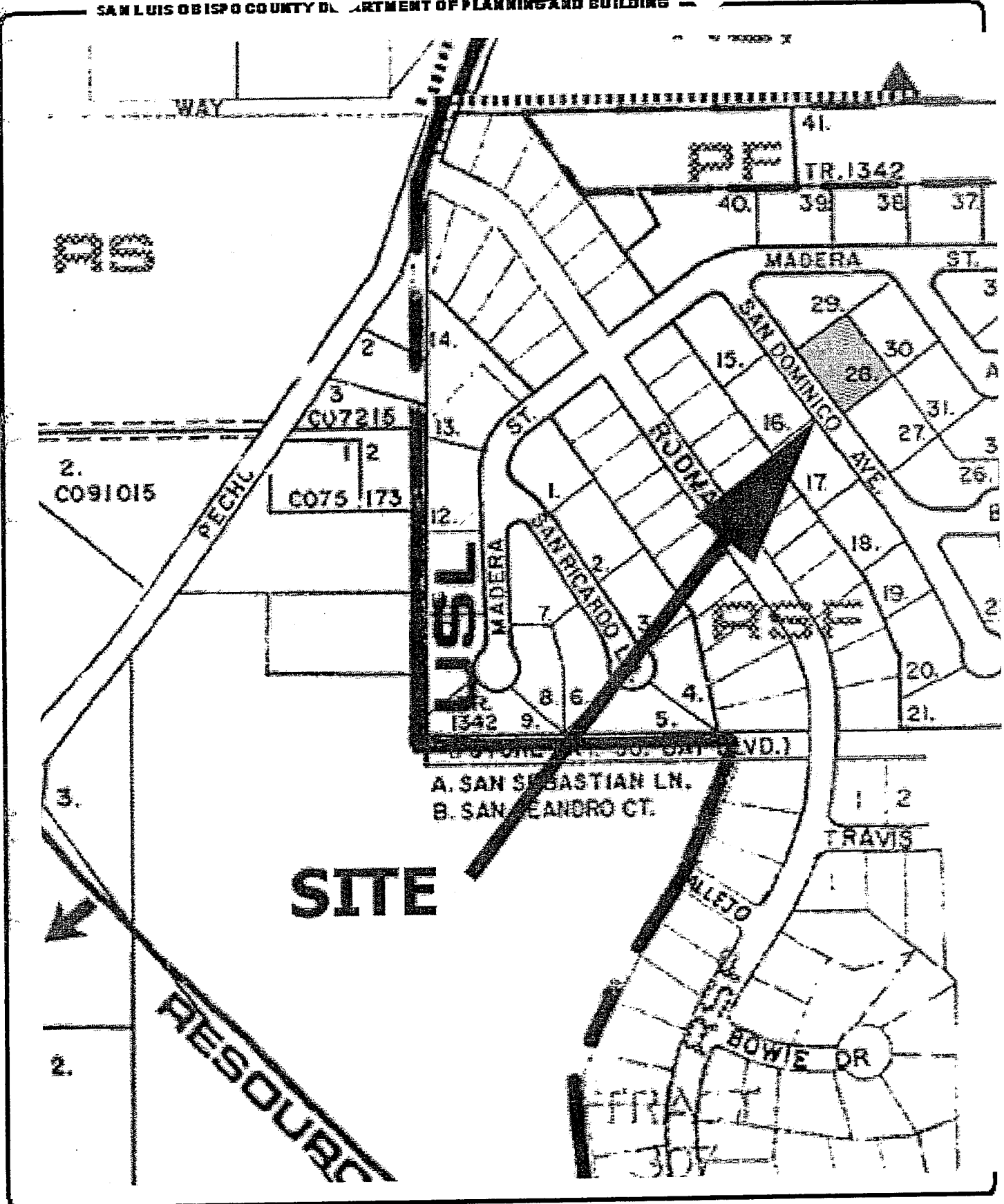
Minor Use Permit
PRATT/SEGUR (D990332P)



EXHIBIT

Vicinity Map

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PROJECT

Minor Use Permit
PRATT/SEGUR (D990332P)



EXHIBIT

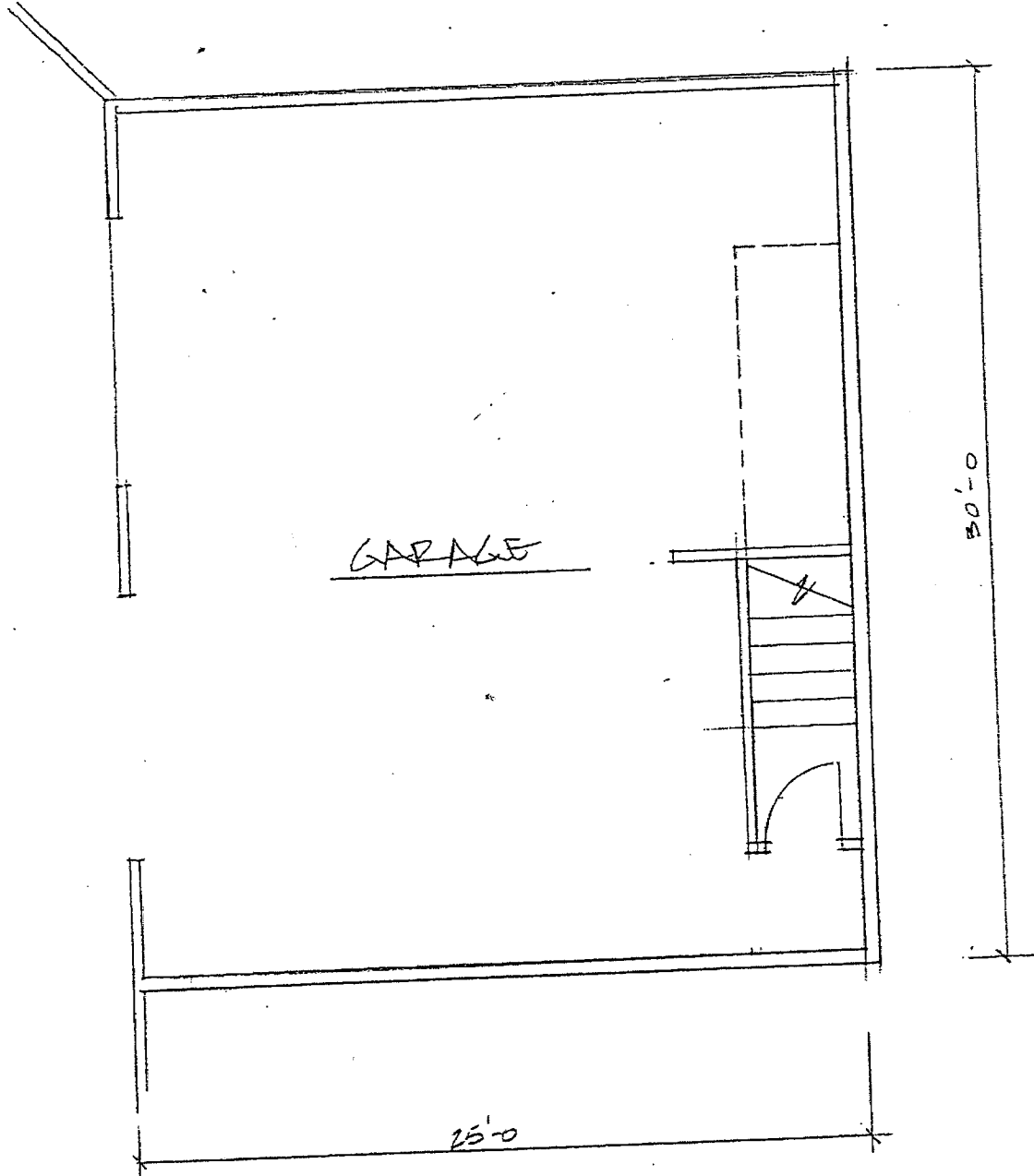
Land Use Map

Minor Use Permit
Burden (D000379P)

Site Plan

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



FIRST FLOOR PLAN
Scale 1/4"=1'-0"

PROJECT

Minor Use Permit
PRATT/SEGUR (D990332P)



EXHIBIT

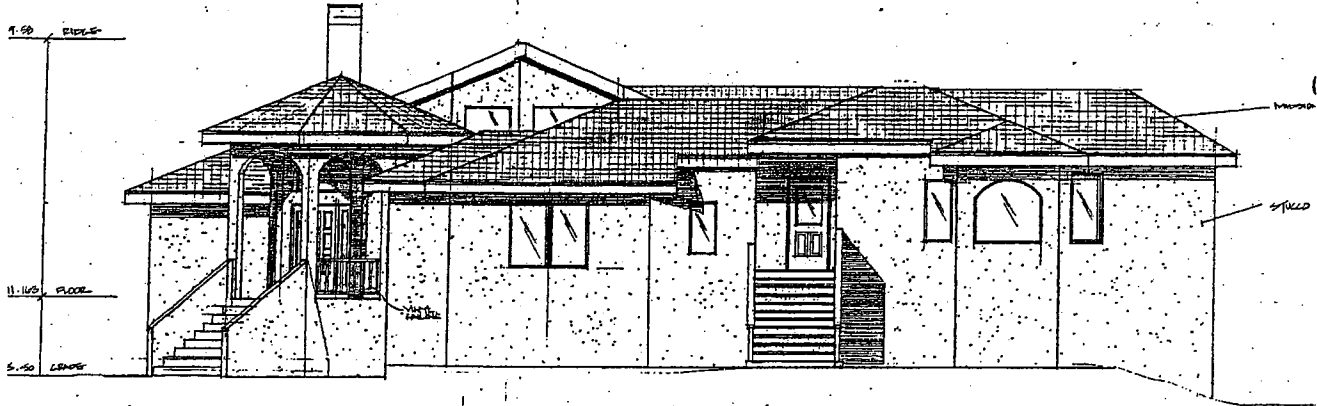
Lower Floor plan

SAN LUIS OBISPO COUNTY, DEPARTMENT OF PLANNING AND BUILDING

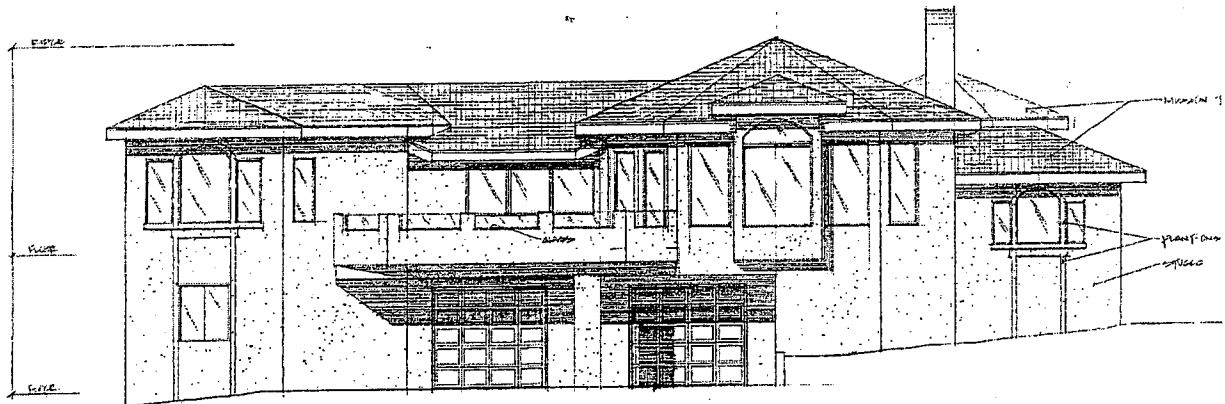


Upper Floor Plan

3-36



SOUTH ELEVATION



NORTH ELEVATION

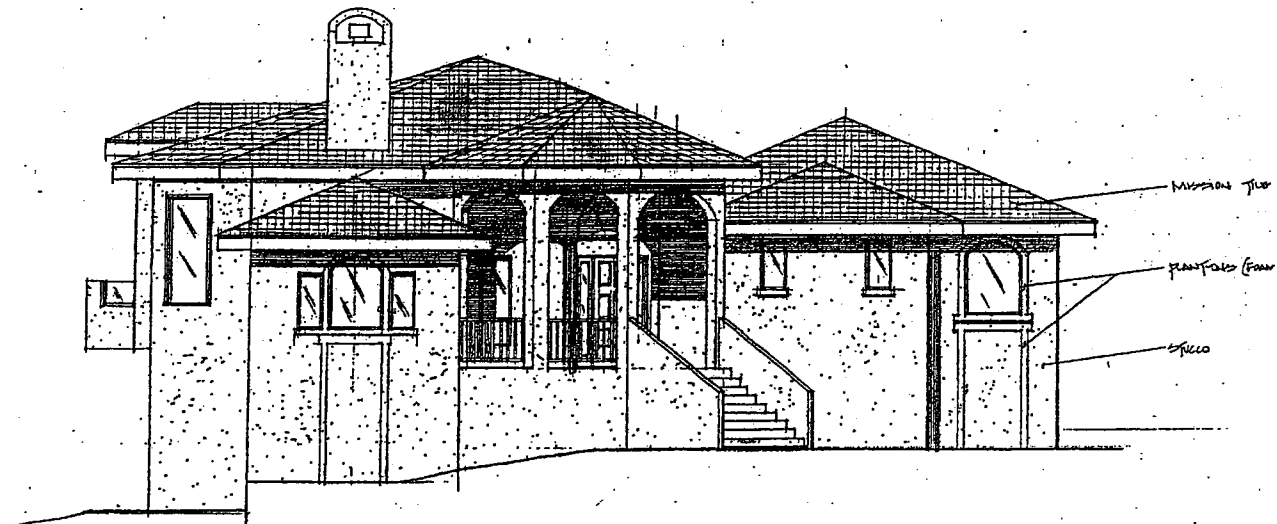
PROJECT

Minor Use Permit
PRATT/SEGUR D990332P

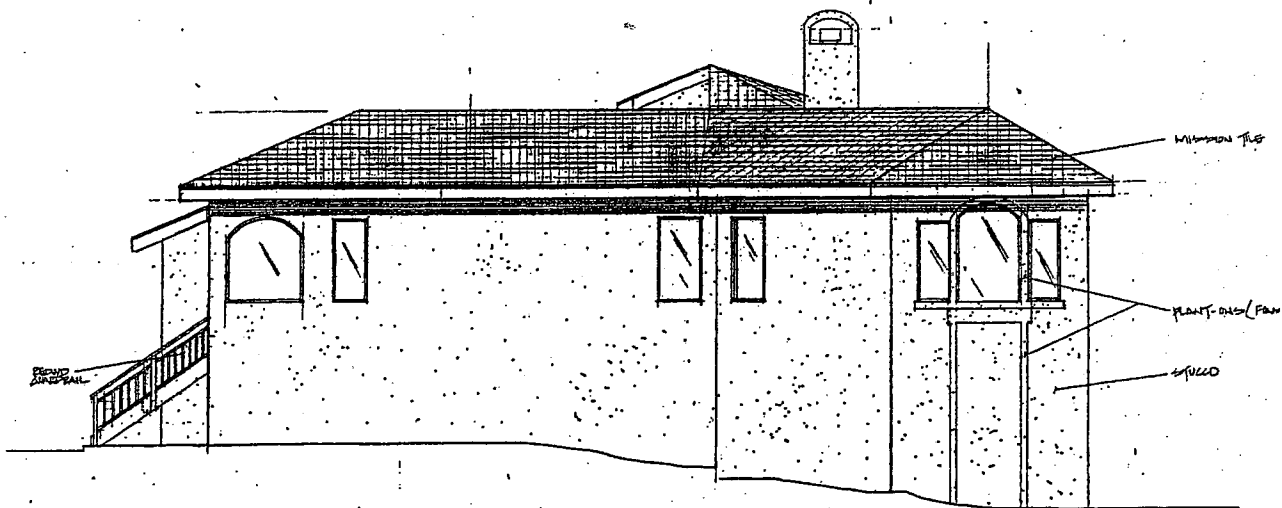


EXHIBIT

North and South Elevations



WEST ELEVATION (San Francisco)
Scale 1/4" = 1'-0"



EAST ELEVATION
Scale 1/4" = 1'-0"

PROJECT

Minor Use Permit
PRATT/SEGUR D990332P



EXHIBIT

West and East Elevation